



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR H.B. 2123

CTEDs; fourth-year funding
(NOW: schools; pupil discipline; suspensions; expulsions)

Purpose

Restricts school districts and charter schools from suspending or expelling pupils younger than seven years old. Limits pupil suspensions and expulsions to outlined conditions including aggravating circumstances.

Background

Statute requires pupils to comply with rules, pursue a required course of study and submit to the authority of teachers, administrators and the school district governing board (governing board). A pupil can be removed from the classroom if: 1) the teacher documents that a pupil repeatedly interferes with the teacher's ability to communicate effectively in the classroom or other pupils' ability to learn; or 2) the teacher determines the pupil's behavior is so unruly, disruptive or abusive that it interferes with the teacher's ability to communicate effectively in the classroom or other pupils' ability to learn ([A.R.S. § 15-841](#)).

Currently, a pupil can be expelled for continued open defiance of authority, disruptive or disorderly behavior, violent behavior including the use or display of a dangerous instrument, deadly weapon or a gun, or excessive absenteeism. As an alternative to suspension or expulsion, a pupil can be reassigned to an alternative education program if the pupil does not qualify for participation in the alternative to suspension program and if good cause exists for expulsion or for long-term suspension ([A.R.S. § 15-841](#)).

A school district governing board, in consultation with teachers and parents, prescribes rules for the discipline, suspension and expulsion of pupils which requires a notice and hearing procedure for cases involving a pupil who is suspended for more than 10 days. Additionally, district rules outline procedures and conditions for readmitting a pupil and provide appeal procedures if the suspension decision was not made by the governing board ([A.R.S. § 15-843](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows a school district or charter school to suspend or expel a pupil enrolled in kindergarten or grades one through four, only under the following conditions:
 - a) the pupil is at least seven years old;
 - b) the pupil engaged in conduct on school grounds that:
 - i. involves the unauthorized possession of a dangerous weapon;
 - ii. involves the possession, use or sale of a dangerous drug, narcotic drug or a violation of a drug free school zone;
 - iii. endangers the health or safety of others; or
 - iv. qualifies as outlined aggravating circumstances as determined by the governing board or charter school governing body;

- c) failing to remove a pupil from the school building creates a safety threat that cannot be reasonably addressed or qualifies as outlined aggravating circumstances;
 - d) the school district or charter school, before suspending or expelling a pupil, considers and employs alternative behavioral and disciplinary interventions that are appropriate to the circumstances considering health and safety, and in consultation with the pupil's parent or guardian if possible; and
 - e) the school district or charter school provides for readmission procedures for pupils:
 - i. who have served at least 5 school days of a suspension exceeding 10 school days, on appeal of a pupil's parent or guardian; and
 - ii. who are expelled or subject to alternative reassignment at the school, on appeal of a pupil's parent or guardian, at least 20 days after the effective date of the expulsion or alternative reassignment.
2. Specifies a school district or charter school can still expel a pupil who is determined to have brought a firearm to school that is consistent with federal requirements.
 3. Specifies *aggravating circumstances* are all of the following:
 - a) the pupil is engaged in persistent behavior documented by the school that prevents other students from learning or the teacher from maintaining control of the classroom environment;
 - b) the pupil's ongoing behavior is unresponsive to targeted interventions as documented by an established intervention process including consultation with a school counselor, school psychologist or other mental health professional or social worker, if available;
 - c) the pupil's parent or guardian was notified and consulted about the ongoing behavior; and
 - d) the school provides a disability screening for the pupil, before a long-term suspension or expulsion, that determines the pupil's behavioral issues were not the result of a disability.
 4. Directs a school district or charter school to document the alternative behavioral and disciplinary intervention it considers and employs.
 5. Defines *aggravating circumstances* as persistent behavior by a pupil that:
 - a) has been documented by the school;
 - b) prevents other students from learning or the teacher from maintaining control of the classroom environment; and
 - c) is unresponsive to targeted interventions as documented through an established intervention process.
 6. Makes technical and conforming changes.
 7. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Adopted the strike everything amendment.
2. Specifies a school district or charter school can still expel a pupil for bringing a firearm to school.
3. Includes a school psychologist in the professionals who can be consulted during a pupil's intervention process.
4. Makes technical changes.

Senate Action

ED 3/23/21 DPA/SE 7-1-0

Prepared by Senate Research
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JO/gs